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DEPARTMENT FOR EAP/MLS AND DRL/AWH

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SUBJECT: GVN SENTENCES THREE MORE HCMC POLITICAL ACTIVISTS

REF: A) HCMC 136 B) HANOI 065 C) 07 HCMC 122 AND PREVIOUS

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11. (SBU) Summary: Three democracy activists from the Bach Dang Giang (BDG) group have been sentenced to two to five year jail terms in HCMC. The three were found guilty by the HCMC People's Court on April 25 of violating Article 88 of the GVN criminal code by "propagandizing against the state." This trial was the latest in a series of trials and convictions for pro-democracy activists detained since late 2006 and 2007 (reftels). End summary.

12. (SBU) On April 25, the Ho Chi Minh City (HCMC) People's Court sentenced democracy activists Pham Ba Hai, Nguyen Ngoc Quang and Vu Hoang Hai to five, three and two years of imprisonment with two years of probation, respectively. The three activists, who are members of the pro-democracy group Bach Dang Giang (BDG) and supporters of Bloc 8406, were found guilty of "propagandizing against the state" in violation of Article 88 of the Penal Code. Nguyen Ngoc Quang was represented by a lawyer, while Pham Ba Hai and Vu Hoang Hai defended themselves in court. The three activists' immediate family members were allowed to attend the trial; members of the international community were not. ConGen HCMC's formal Diplomatic Note requesting permission to attend was denied.

13. (SBU) Family members told ConGenoff Ba Hai and Ngoc Quang pleaded not guilty, while Hoang Hai - who received the lightest sentence - chose not to contest "80 percent" of the charges brought against him. Witnesses said Ngoc Quang spoke articulately and his lawyer debated so fiercely that witnesses standing outside in the courtyard could hear him. Others said defendant Ba Hai complained he was not given adequate time to orally contest all the charges against him.

The Brief History of the BDG

14. (SBU) Pham Ba Hai, Nguyen Ngoc Quang and Vu Hoang Hai were arrested in early September 2006 on charges of "propagandizing against the state," and official news reports of the trial said the three posted Internet articles that "distorted history, attacked the administration, tarnished [the reputations] of Party and State officials and incited people to protest" from April to August 2006. Prosecutors accused Ba Hai of being the "reactionary group's leader," claiming he paid US\$ 1,000 to Ngoc Quang and Hoang Hai to work for his organization. Ba Hai registered the Bach Dang Giang organization in India, where he also had a business, in late 2005. BDG's former website characterized the group as a "gathering of progressive-minded youths to promote human rights and democracy for a prosperous Vietnam." Lawyer Le Quoc Quan, a Hanoi-based dissident and associate of Ba Hai and Ngoc Quang, told ConGenoff that the two

posted several articles criticizing the GVN's human rights record on the Internet and were planning to organize student demonstrations during POTUS' 2006 visit to Vietnam.

Truong Minh Duc Update

15. (SBU) According to family members, Truong Minh Duc, the Internet author and member of the US-based "For the People Party" (FPP) and Vietnam's Bloc 8406, did not have a lawyer and was not allowed to speak in his own defense during his March 28 trial in the Mekong Delta province of Kien Giang. Duc was sentenced on March 28 to six years of imprisonment for violating Article 258 of the Penal Code, "abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens." In March 2007, Duc allegedly publicized information about assets owned by PM Dung and his family and posted several articles on the Internet alleging corruption and injustice surrounding land deals in Kien Giang. Duc's May 2007 arrest occurred after he became personally involved in a land dispute with a woman whose "adopted son" claims to be cousin of PM Dung's wife. Duc helped the co-complainant in the dispute file a lawsuit against Dung's wife's cousin and tried to prevent local authorities from dismantling a house on the disputed property.

17. (SBU) According to his family, Duc is appealing his sentence and is now being held at Cau Van prison in Kien Giang. Meanwhile, Duc's family remains concerned about his medical condition - they report that Duc broke his arm three months ago and still suffers chronic pain and partial loss of function because it was not set properly by prison medics. His family claims his injury was further exacerbated when guards forcibly restrained him after he kicked a podium in frustration at his trial. His family asked for permission to bring Duc to another physician, and Duc was taken to Kien Giang Provincial Hospital on April 17 for re-examination. The doctor told him that the bone is healing but the joint between the hand and arm is not. The provincial hospital did not have sufficient resources to help him.

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18. (U) This cable was coordinated with Embassy Hanoi.
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